

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
JOINT APPROPRIATIONS SUBCOMMITTEE  
ROOM 405 STATE CAPITOL BUILDING  
January 29, 2001**

**Members Present:** Sen. D. Chris Buttars , Co-Chair  
Rep. A. Lamont Tyler, Co-Chair  
Sen. Peter C. Knudsen  
Sen. Pete Suazo  
Rep. Ron Bigelow  
Rep. Scott Daniels  
Rep. Paul Ray  
Rep. Mike Thompson

**Members Absent:** Rep. Gary F. Cox

**Staff Present:** Bill Dinehart, Fiscal Analyst  
Dr. Andrea Wilko, Fiscal Analyst  
Cherri White, Committee Secretary

**Visitors List:** List filed with Committee Minutes

Senator Buttars called the meeting to order at 2:03 p.m. with a discussion of the tour of facilities conducted on Friday, January 26, 2001. He then called for a motion to approve the minutes of January 24 and 26, 2001.

**MOTION:** Representative Ray moved to approve the minutes of January 24 and 26, 2001. The motion passed unanimously with Senator Suazo, and Representatives Bigelow and Thompson absent for the vote.

**MOTION:** Representative Tyler moved to tentatively approve the Attorney General's budget with the 1% reduction in General Fund monies as follows:

General Fund:	\$17,223,800
Federal Funds:	1,071,800
Dedicated Credits Revenue	10,231,200
GFR - Commerce Service	407,400
GFR - Public Safety Support	547,000 (this includes the \$35,000)
Antitrust Revolving	159,300
Transfers	55,000
Transfers - UCCJJ	<u>101,900</u>
	\$29,797,400

The motion passed unanimously with Representative Bigelow absent for the vote.

**MOTION:** Senator Suazo moved to add to the priority list \$205,000 for the Children's Justice Centers to be allocated as follows:

COLA	\$38,000
Emery Center	\$40,000
Wasatch Center	\$50,000
Deficit reduction	\$30,000
1 FTE for Salt Lake Center	<u>\$47,000</u>
	\$205,000

The motion passed unanimously with Representative Bigelow absent for the vote.

Fiscal Analyst Dr. Andrea Wilko presented the Analyst recommended budget for the Courts (Green tabs #29-36). Dr. Wilko indicated during her presentation that the Analyst recommendation did include non-General Fund Building Blocks totaling \$355,700. She indicated the following areas of concern that could be addressed should additional funding become available.

1. Contracts and Lease increases - Due to increases in existing leases and building maintenance cost adjustments and allocation of \$1,124,900 would be recommended should additional funds become available.
2. Jury Witness and Interpreter Fees - This line item has been underfunded for several years. The philosophy has been to under fund the request year and then provide a supplemental to cover first, any deficit and then to address potential shortfalls in the current year. It is recommended that should funding become available a supplemental of \$1,169,400 be allocated to this line item.
3. Data Processing Staff - Due to a new Juvenile Justice Program additional data processing staff is recommended should additional funding become available. The recommendation would be for \$174,000 for increased data processing staff. The positions would also be utilized to meet the needs of the Guardian adLitem program.
4. Child Welfare Mediation - Funding of \$169,600 for two mediators and support staff would be recommended for this program.
5. Law Clerks - Three law clerks for \$231,700 to free up judicial time currently spent on research.
6. Security - \$200,000 for perimeter security to courthouses that currently present a serious security risk.

7. Drug Court Expansion - For FY 2001 the Legislature provided \$193,000 from the Tobacco Settlement Funds for use in the Drug Courts. This program has proven to be successful and an increase of \$448,300 would be recommended. It is noted that an appropriation from the Department of Human Services budget would also be required as this item is split 13% Courts and 87% Human Services.
8. Guardian ad Litem - \$499,100 for this item is recommended as staffing in this area has not kept up with the growth. There has been a 25% increase in case load over FY 2000.

The following line-items are non-General Fund monies and are included in the Analyst's recommendations.

9. Contract Increases for Substance Abuse Programs - A 2.5% allocation from the Substance Abuse Prevention Account, to be used in the Courts for Substance Abuse Prevention, would bring an authorization of \$29,500. This would bring the program up to authorized levels.
10. Personnel Increases in Guardian ad Litem - The Analyst recommends an appropriation of \$9,100 from the Guardian ad Litem Services Account and an appropriation of \$22,300 from the Children's Legal Defense Fund Account in FY 2002.
11. Court Reporter Technology - In 2000 the Legislature passed legislation increasing revenue to the Court Reporter Technology account. The Analyst recommends an appropriation of \$50,000 in FY 2001 and FY 2002 to allow the Courts to draw down these funds.
12. On-line Court Assistance - During the 2000 General Session SB 147 was passed. This bill has certain funding provisions. It is recommended that an appropriation of \$35,000 in both FY 2001 and FY 2002 from General Fund Restricted - On Line Court Assistance Account.
13. Court Ordered Payment - A supplemental amount of \$19,500 from the General Fund Restricted Account - Interest Income to allow the Courts to fund a court ordered payment is recommended by the Analyst.
14. DP Imaging Equipment - The Analyst recommends an appropriation of \$27,000 from the General Fund Restricted Trust Interest Account and an appropriation of \$30,000 from transfer revenue to allow the Courts to buy two imaging systems for the Courts. It is anticipated that this system will help both the courts and Archives.
15. Court Commissioner - The Analyst recommends redirecting of Federal Funds authorized last year for the fifth district to a position of court commissioner for the fourth district for the supplemental year (2001) and FY 2002.

Dr. Wilko also recommended the committee adopt the following intent language:

*“It is the intent of the Legislature that for every \$50,000 in accumulated fiscal note driven costs to the Courts in any given year, that the Courts be authorized an additional clerk FTE. These clerk increases are to be included in all subsequent budget submittals under the appropriate appeals, trial or juvenile court program budget category.”*

*“It is the intent of the Legislature that any funds received by the Courts pursuant to Title IV-D of the Social Security Act up to \$152,800 be used to fund the creation of a domestic relations court commissioner position and related staff in the Fourth Judicial District and for other child support entities.”*

*“It is the intent of the Legislature that these funds be nonlapsing”* (regarding Contract Sites and Leases)

*“It is the intent of the Legislature that these funds be nonlapsing”* (regarding Guardian ad Litem)

*“It is the intent of the Legislature that these funds be nonlapsing”* (regarding Jury, Witness, and Interpreter)

*“It is the intent of the Legislature that these funds be nonlapsing”* (regarding Grand Jury)

Dan Becker, State Court Administrator introduced staff and turned time to Chief Justice Howe, Utah Supreme Court Justice. Chief Justice Howe indicated the need for the separation of branches of government and the need for the Judicial Branch to maintain its autonomy. He also indicated the need for the funding to implement recommendations from the Task Force on Racial and Ethnic Fairness.

Mr. Becker introduced Rick Schwermer, Myron March, Fred Jayne, Kristin Brewer, and Gordon Bissegger as members of his staff. Mr. Becker indicated that prior to the committee meeting the Court Administrator’s Office had met and prioritized the building block requests and that these requests would be addressed during their presentation and the prioritization would be given. (See handout)

Mr. Becker indicated that change over the last several years has resulted in improved case management. This has improved the clearance rates to the point that this past year clearance rates exceeded the number of cases filed. This in turn has made it so that the office is as current as possible. These areas include mediation, volunteers, and technology.

Mediation is occurring at about every court level. This reduces costs, reduces the number of cases going to trial and as a result makes the office more efficient.

Volunteers in the courts as court appointed special advocates have helped especially in child abuse cases. These individuals follow the case from start to finish and help to provide mentoring services in addition to working as liaisons with the professionals involved.

Technology (video taping) has been used in cases where there is little likelihood of appeal. Generally, these cases are not high profile or capital cases. This frees up court reporters for cases when appeal is likely or cases that are high profile. Technology has increased efficiency and reduced costs. Another area that video taping and other technology is used is in arraignments and other courtroom proceedings.

Prior to going into the building block requests the Co-Chair Buttars called a 10 minute recess. The committee recessed at 3:01 and reconvened at 3:15 p.m.

The Courts requests for FY 2002 is as follows:

1.	Contracts and Leases	\$1,124,900
2.	Guardian ad Litem	499,100
3.	Information Technology Positions	174,400
4.	Child Welfare Mediation	169,600
5.	Lease Perimeter Security	242,000
6.	Law Clerks	540,700
7.	Diversity Training	28,000
8.	Project Coordinator	60,000
9.	Interpreter Program Manager	70,000
10.	County Contract Sites	92,300
11.	Drug Courts	448,300

Items 7, 8, and 9 all are from the Task Force on Racial and Ethnic Fairness recommendations.

The priorities for funding would be items 2- Guardian ad Litem, 4- Child Welfare Mediation, and 11- Drug Courts. The total of the three priorities would be \$1,117,000 in general fund monies.

Addressing the committee regarding the needs of the Guardian ad Litem program was Kristin Brewer, Director of Guardian ad Litem and Lori W. Nelson, Family Law Section, Utah State Bar and Guardian ad Litem Office.

Addressing the committee regarding Juvenile Courts, and the use of drug courts was Juvenile Judge Kim Hornak.

The Courts respectfully requested that the committee reconsider its action and reinstate the 1% general fund cut from the Analyst's recommended budget figure.

Addressing the committee from the public was Roz McGee, Utah Children.

Dr. Wilko handed out to the committee information that would be forth coming from Senator Spencer regarding an appropriation of \$50,000 for Mediation and \$50,000 for Guadian ad Litem.

**MOTION:** Representative Tyler moved to adjourn. The motion passed unanimously with Representative Cox and Senator Knudsen absent for the vote. The meeting adjourned at 4:37 p.m.

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Senator D. Chris Buttars, Co- Chair

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Representative A. Lamont Tyler, Co-Chair